

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GIORGIO GLOBAL HOLDINGS, INC., F&P
HOLDING CO., INC., GIORGIO FOODS, INC.,
and CAN-PACK, S.A.,

Plaintiffs,

CIVIL ACTION
NO. 17-4416

v.

WIESLAW SMULSKI, MICHAL SMULSKI,
and JOHN DOES 1 THROUGH 10,

Defendants.

AND NOW, this 22nd day of March, 2023, upon review of Defendants' Motion for Judgment on the Pleadings (Docket No. 145) and Defendants' Motion to Stay (Docket No.159), Plaintiffs' responses thereto, and all replies and sur-replies, and after oral argument being held, it is hereby **ORDERED** as follows:

1. There is no basis to apply the doctrine of res judicata to the instant matter and Defendants' Motion seeking to do so is **DENIED**¹; and
2. Defendants' Motion to Stay is **DENIED**.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.

¹ On September 23, 2022, the Court denied Defendants' Motion for Judgment on the Pleadings (Docket No. 145) without prejudice and stated that it would be decided in conjunction with Defendants' Motion to Stay. The instant order, as well as the accompanying memorandum, addresses and denies both motions.